

Appl. No. : **10/762,428**
Filed : **January 22, 2004**

AMENDMENTS TO THE DRAWINGS

The Examiner objected to Figures 6 and 10-43 of the drawings as having dark or grey background and characters that are not legible. Applicants are resubmitting drawings herewith that are cleaner copies of the same drawings. No changes have been made to the drawings.

Appl. No. : 10/762,428
Filed : January 22, 2004

REMARKS

In the May 23, 2007 Office Action, the Examiner objects to Figures 6 and 10-43 of the drawings; rejects Claims 1-49 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; rejects Claims 1, 3-4, 7, 10-11, 13-14, 17, 20-21, 23-24, 27, 30-31, 33-34, 37, 40-41, 43-44, and 47 under 35 U.S.C. § 102(a) and § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0002834 by Mashita, et al. ("Mashita"); rejects Claims 2, 5-6, 9, 12, 15-16, 19, 22, 25-26, 29, 32, 35-36, 39, 42, 45-46 and 49 under 35 U.S.C. § 103(a) as being unpatentable over Mashita in view of U.S. Patent Application Publication No. 2002/0120921 by Coburn et al. ("Coburn"); and rejects Claims 8, 18, 28, 38, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Mashita in view of U.S. Patent No. 7,139,686 to Critz, et al. ("Critz").

For the purposes of responding to the Office Action, Applicants will treat all of the cited references as prior art, but Applicants reserve the right to swear behind one or more of the references in the future.

Information Disclosure Statement

Applicants are filing an Information Disclosure Statement concurrently with the filing of this response.

Objection to Drawings

The Examiner objects to Figures 6 and 1-43 as having dark or grey background and characters that are not legible. Applicants submit herewith a cleaner copy of the drawings and request the Examiner to withdraw the objection to the drawings. No new matter is being introduced via these drawings.

Rejections Under 35 U.S.C. § 101 (Non-Statutory Subject Matter)

The Examiner rejects Claims 1-49 as directed to non-statutory subject matter. In response, Applicants have amended independent Claims 1, 10, 20, 30, and 40 herewith. Applicants respectfully submit that Claims 1, 10, 20, 30, and 40, as amended, provide useful, tangible and concrete results (*e.g.*, for programming of a simulation of a computer application). In addition, Applicants have amended Claim 40 to recite "a computer-readable storage medium" as required by the Examiner. Accordingly, Applicants respectfully request the Examiner to

Appl. No. : 10/762,428
Filed : January 22, 2004

withdraw the rejections to Claims 1, 10, 20, 30, and 40 and their dependents over 35 U.S.C. § 101.

Claims 2-9, 11-19, 21-29, 31-39 and 41-49 depend from one of amended Claim 1, 10, 20, 30, or 40. In view of the amendments to Claims 1, 10, 20, 30, and 40, Applicants request the Examiner to withdraw the rejections to Claims 2-9, 11-19, 21-29, 31-39 and 41-49 over 35 U.S.C. § 101.

Discussion of Rejection of Claims 1, 10, 20, 30, and 40 Under 35 U.S.C. § 102

The Examiner rejects Claims 1, 10, 20, 30, and 40 under 35 U.S.C. § 102(a) and (e) as being anticipated by U.S. Patent Application Publication No. 2001/0002834 by Mashita, et al. ("Mashita"). Applicants have amended Claims 1, 10, 20, 30, and 40 to clarify the claimed invention. In addition, Applicants respectfully submit that Mashita does not teach or suggest the invention as claimed in Claims 1, 10, 20, 30, and 40.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," see MPEP § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

For example, with respect to Claims 1, 10, 20, 30, and 40, the Examiner states that Mashita teaches a "simulation of a computer application." While the Examiner cites "Abstract, L1-3 and L6-14; Fig. 2; Fig. 1, Item 112; Page 1, Para 0002; Page 1, Para 0003, L2-6; Page 1, Para 0008, L2-8," a "simulation" is not taught. A "simulation" is not mentioned anywhere in the Abstract. With reference to Figure 1, the word "simulation" is part of the "effect procedure simulation" label for block 112, but there is no corresponding description of block 112 in the detailed description. The higher-level block 111 is labeled "display whole requirement" and is also not discussed in the detailed description. The higher-level block 107 is labeled "generate whole requirement" and is discussed in paragraphs [0132] and [0133]. In view of the labels on the blocks and the description in paragraphs [0132] and [0133], including figures 29, 5, 46, and 31 through 33, as discussed in paragraph [0133], Applicants do not believe that Mashita teaches a "simulation" per se, but rather, the label "effect procedure simulation" is related to the animation of a "display" of a "whole requirement." See paragraphs [0084] and [0085]. Applicants note that in the text, Mashita mentions a simulation only in connection with

characterizations of prior art in the background of the invention. A simulation is not mentioned in Mashita's detailed description. Applicants believe that the simulation mentioned in Mashita's background is not part of Mashita's invention. Accordingly, Applicants respectfully submit that the Examiner is modifying the teachings of Mashita with prior art discussed by Mashita, and that such a modification is not permissible under 35 U.S.C. § 102(a) or (e).

Further, with respect to Claim 1, the Examiner states that Mashita teaches "displaying on a computer display a programming area." Applicants respectfully disagree. The Examiner mischaracterizes Figure 2, abstract lines 1-3, paragraph [0022] lines 6-14, and paragraph [0090] lines 1-2 as teaching a "displaying on a computer display a programming area."

Applicants respectfully submit that Figure 2 does not even represent a computer display, let alone a "programming area" displayed on the computer display. Rather, Figure 2 corresponds to a "schematic configuration *diagram of a system*," (see paragraph [0031]) (emphasis added) and, for example, illustrates "a memory 201, a CPU 213 and a terminal 214," (see paragraph [0087]). Mashita describes other figures, such as Figure 3-5, 7, 9-12, 14-16, 19, 20, 23, 26, 27, 30, 36, 37, 45 as examples of a "screen display," including Figure 3, which is described as "an example of screen display of a scenario inputted on a scenario editor of FIG. 2," (see paragraphs [0032], [0033], [0034], [0036], [0038], [0039], [0040], [0041], [0043], [0044], [0045], [0048], [0049], [0052], [0055], [0056], [0059], [0065], and [0074].

With respect to abstract lines 1-3, paragraph [0022] lines 6-14, and paragraph [0090] lines 1-2, rather than relate to programming, Applicants respectfully submit that the cited portions relate to a "scenario editor," which appears to be related to the generation of requirements, see, for example, "a whole requirement is created," (abstract line 8); "[t]he scenario is a partial requirement included in the whole requirement of the development subject," (paragraph [0022], lines 6-8); and "creating and visually displaying the whole requirement," (paragraph [0090] lines 2-3). Accordingly, Applicants respectfully submit that Mashita does not teach or suggest "displaying on a computer display a programming area comprising one or more graphical representations of one or more primitives for programming of the simulation of the computer application," as claimed.

Moreover, in connection with "displaying on the computer display a requirements area," the Examiner appears to reuse the scenario components in Mashita's computer display as

teaching both the programming area and the requirements area. Applicants respectfully submit that the scenario components could not simultaneously be both. Mashita states that “[t]he *scenario is a partial requirement* included in the whole requirement of the development subject,” (paragraph [0022], lines 6-8) (emphasis added).

Furthermore, Applicants respectfully submit that Mashita does not teach or suggest “associating the one or more primitives with the one or more requirements such that a primitive displayed in the programming area is visually associated with a displayed requirement of the requirements area.” The Examiner appears to assert that Mashita’s “connection lines” correspond to the “visually associated” feature. Applicants respectfully disagree. Mashita states that “[e]ach of connection lines 506 and 507 represents that a procedure call sequence is defined *between components in the whole requirement*,” (paragraph [0090], lines 8-10) (emphasis added). Accordingly, Applicants believe that rather than associate primitives with requirements, the “connection lines” indicate the relationship of ordered sequence among the components within the “whole requirement.” Accordingly, Applicants believe that the Examiner mischaracterizes the “connection lines” of Mashita as teaching the claimed associations.

Therefore, Applicants respectfully maintain that Mashita does not teach or suggest Applicants’ invention as defined by Claim 1, and Applicants request allowance of Claim 1.

Further, with respect to Claim 20, Applicants respectfully submit that Mashita does not teach or suggest “a component configured to display on an electronic display a programming area comprising one or more graphical representations of one or more primitives for programming of the simulation of the computer application.” Applicants respectfully submit that Mashita teaches a simulation only in connection with prior art in the background and that the background is not part of Mashita’s invention. Accordingly, Applicants respectfully submit that the Examiner is modifying the teachings of Mashita with prior art discussed by Mashita, and that such a modification is not permissible under 35 U.S.C. § 102(a) or (e).

Further, Applicants respectfully submit that Mashita does not teach or suggest “a programming area ... for programming of the simulation.” As discussed earlier in response to the rejection of Claim 1, Figure 2 corresponds to a “schematic configuration diagram of a system,” rather than to a display. Further, the cited portions of the text, *i.e.*, abstract lines 1-3; paragraph [0022] lines 6-14, paragraph [0090] lines 1-2, relate to a “scenario editor,” which appears to

Appl. No. : 10/762,428
Filed : January 22, 2004

relate to the generation of requirements as Applicants discussed earlier in response to the rejection of Claim 1.

In addition, Applicants respectfully submit that the scenario components of Mashita's computer display could not simultaneously be considered to be primitives for programming of the simulation of the computer application and the one or more statements of the requirements area. Rather, the scenario components appear to relate only to requirements.

Applicants respectfully submit that Mashita does not teach or suggest "a component configured to associate the one or more primitives with the one or more statements such that a primitive displayed in the programming area is associated with a displayed statement of the requirements area." Rather, the "connection lines" asserted by the Examiner to correspond to the associations appear to associate requirements with other requirements, rather than associate requirements with primitives for programming of a simulation. For example, Mashita states that "[e]ach of connection lines 506 and 507 represents that a procedure call sequence is defined *between components in the whole requirement*," (paragraph [0090], lines 8-10) (emphasis added).

Therefore, Applicants respectfully maintain that Mashita does not teach or suggest Applicants' invention as defined by Claim 20, and Applicants request allowance of Claim 20.

With respect to Claim 10, Applicants respectfully submit that Mashita does not teach or suggest "displaying on an electronic display a programming area comprising one or more graphical representations of one or more primitives for programming of the simulation of the computer application," or "associating the one or more primitives with the one or more statements such that a primitive displayed in the programming area is associated with a displayed statement of the requirements area" under the same rationale as described in response to the rejection of Claim 20. Therefore, Applicants respectfully maintain that Mashita does not teach or suggest Applicants' invention as defined by Claim 10, and Applicants request allowance of Claim 10.

With respect to Claim 30, Applicants respectfully submit that Mashita does not teach or suggest "a means for displaying on an electronic display a programming area comprising one or more graphical representations of one or more primitives for programming of the simulation of the computer application," or "a means for associating the one or more primitives with the one or

Appl. No. : 10/762,428
Filed : January 22, 2004

more statements such that a primitive displayed in the programming area is associated with a displayed statement of the requirements area,” under the same rationale as described in response to the rejection of Claim 20. Therefore, Applicants respectfully maintain that Mashita does not teach or suggest Applicants’ invention as defined by Claim 30, and Applicants request allowance of Claim 30.

With respect to Claim 40, Applicants respectfully submit that Mashita does not teach or suggest “instructions for displaying on an electronic display a programming area comprising one or more graphical representations of one or more primitives for programming of the simulation of the computer application,” or “instructions for associating the one or more primitives with the one or more statements such that a primitive displayed in the programming area is associated with a displayed statement of the requirements area,” under the same rationale as described in response to the rejection of Claim 20. Therefore, Applicants respectfully maintain that Mashita does not teach or suggest Applicants’ invention as defined by Claim 40, and Applicants request allowance of Claim 40.

Discussion of Rejection of Dependent Claims 3, 4, 7, 11, 13, 14, 17, 21, 23, 24, 27, 31, 33, 34, 37, 41, 43, 44 and 47

Dependent Claims 3, 4, and 7 depend from and further define Claim 1. Dependent Claims 11, 13, 14, and 17 depend from and further define Claim 10. Dependent Claims 21, 23, 24, 27 depend from and further define Claim 20. Dependent Claims 31, 33, 34, 37 depend from and further define Claim 30. Dependent Claims 41, 43, 44 and 47 depend from and further define Claim 40. The dependent claims recite numerous additional distinctions over the cited references.

Claims 3, 4, 7, 11, 13, 14, 17, 21, 23, 24, 27, 31, 33, 34, 37, 41, 43, 44 and 47 add additional limitations that Applicants believe are not taught or suggested by the prior art.

Discussion of Rejection of Dependent Claims 2, 5-6, 8, 9, 12, 15-16, 18, 19, 22, 25-26, 28, 29, 32, 35-36, 38, 39, 42, 45-46, 48, and 49 Under 35 U.S.C. § 103(a)

The Examiner states that Claims 2, 5-6, 9, 12, 15-16, 19, 22, 25-26, 29, 32, 35-36, 39, 42, 45-46 and 49 are unpatentable under 35 U.S.C. § 103(a) over Mashita in view of Coburn, and

Appl. No. : 10/762,428
Filed : January 22, 2004

that Claims 8, 18, 28, 38, and 48 are unpatentable under 35 U.S.C. § 103(a) over Mashita in view of Critz.

In view of the mischaracterizations of Mashita's "schematic configuration diagram of a system" and of Mashita's "connection lines," described earlier in response to the rejections of the independent claims, Applicants respectfully submit that the Examiner's combination of Mashita and Coburn does not teach or suggest "all the claim limitations" of dependent Claims 2, 5-6, 9, 12, 15-16, 19, 22, 25-26, 29, 32, 35-36, 39, 42, 45-46 and 49 and that the Examiner's combination of Mashita and Critz does not teach or suggest "all the claim limitations" of dependent Claims 8, 18, 28, 38, and 48.

Therefore, a *prima facie* case of obviousness has not been established, and Applicants accordingly request the Examiner to withdraw the rejections to Claims 2, 5-6, 8, 9, 12, 15-16, 18, 19, 22, 25-26, 28, 29, 32, 35-36, 38, 39, 42, 45-46, 48, and 49, and to allow the same.

SUMMARY

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner to withdraw the rejections of Claims 1-49. Applicants further request the Examiner to allow Claims 1-49 and to pass the present application to the issue process.

If there is any further impediment to the prompt allowance of the present application, Applicants request the Examiner to call the undersigned attorney of record at 310-407-3466 or at the telephone number listed below to resolve any such impediment.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Aug. 21, 2007

By: Michael S. Okamoto
Michael S. Okamoto
Registration No. 47,831
Attorney of Record
Customer No. 20,995
(310) 551-3450